

During the evidentiary hearing, the NRC Staff committed to notify the consulting tribes, including the Oglala Sioux Tribe, of the identity of the monitor whose services are engaged by Powertech pursuant to Stipulation 13(c).²⁸⁶ Given the circumstances here, we consider this a laudable pledge worthy of addition to the overall process under PA Stipulation 13(b) for NRC Staff review of a proposed Powertech monitoring plan prior to the initiation of facility construction activities that deserves incorporation into the PA.

As such, we the [ASLB] add a new license condition provision to PA Stipulation 13(c),²⁸⁷ Stipulation 13(c)(iii), that provides as follows:

iii. If the identity of the Monitor engaged by Powertech under Stipulation 13(c) to provide services is not specified in the Monitoring Plan provided to NRC under Stipulation 13(b)(i), when Powertech engages the Monitor, Powertech shall promptly notify the NRC of the identity of the Monitor, which in turn will distribute that information to the signatories and consulting Tribes to this agreement for a 30-day review and comment period. Thereafter, if a new Monitor is engaged by Powertech, Powertech shall promptly notify the NRC of the identity of that Monitor, which will again distribute that information to the signatories and consulting Tribes to this agreement for a 30-day review and comment period.